

EXHIBIT 9



BRETT A. AUGUST

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October 3, 2016

VIA FEDEX

Mr. Jordan Weisman
FASA Corporation
701 NE Salzman Road
Corbett, OR 97019

Mr. Jordan Weisman
Harebrained Schemes LLC
8525 120th Ave. NE Street, 301
Kirkland, WA 98033

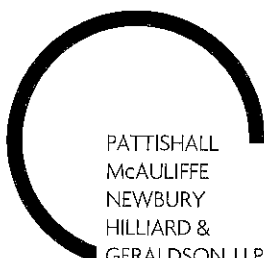
Mr. Russ Bullock
Piranha Games
President and Executive Producer
2065 - 88 W. Pender Street
Vancouver, BC V6B 6N9
CANADA

Re: Legal Notice of Infringement of Copyright Owned by Harmony Gold

Dear Mr. Weisman and Mr. Bullock:

We act on behalf of Harmony Gold, registered owner of all rights in the U.S. in and to the copyrighted designs and images of giant warrior robots, or "battle mechs," that form the works known both as "Macross" and "Robotech" (hereinafter referred to simply as "Robotech"). This letter is sent in furtherance of recent email correspondence between this office and Mr. Bullock, as the president of Piranha Games, which is attached hereto as Exhibit A. The gist of that correspondence is that Harmony Gold claims the BattleTech images published in 2016 infringe Harmony Gold's rights in its Robotech works.

In the recent correspondence between Harmony Gold and Mr. Bullock, the latter acknowledged the former's rights and stated: "At Piranha we make no claim to any use or legal right to the Robotech Macross designs that are owned by Harmony Gold." Mr. Bullock further contends the following: "In summary we generate original artwork and that historical connection [between BattleTech designs



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Mr. Jordan Weisman
Mr. Russ Bullock

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and Robotech designs] cannot prevent us from creating all new original artwork for those BattleTech owned names and load out descriptions.”

We have spent a great deal of time analyzing Mr. Bullock’s contentions, as well as reviewing the facts that led to the filing of the lawsuit styled as Harmony Gold U.S.A., Inc., and Playmates Toys, Inc. v. FASA Corporation and Virtual World Entertainment. We have also closely reviewed the Settlement Agreement and Mutual General Release by and among Harmony Gold USA, Inc., Playmates Toys, Inc., Virtual World Entertainment, Mort Weisman, Jordan Weisman and Ross Babcock, executed on various dates in December of 1996 (hereinafter referred to as the “Settlement”). We conclude from that analysis and review that Mr. Weisman (through one or both of his companies FASA and Harebrained Schemes) and Piranha Games are currently engaged in a concerted effort to infringe the Robotech copyrights. Moreover, we have concluded that FASA and Mr. Weisman have violated the terms of the December 1996 Settlement.

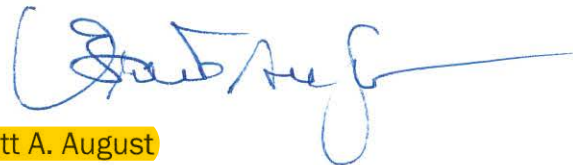
Mr. Weisman’s copy of this letter includes as Exhibit B a copy of the Settlement. (Since its terms are confidential, we are not disclosing it to Mr. Bullock.) We draw Mr. Weisman’s attention to provision 10 entitled “Attorneys Fees And Costs” and provision 4.a. under “BattleMechs,” among other pertinent provisions.

Although we are not privy to the exact relationship between Piranha, FASA, Harebrained Schemes and Mr. Weisman, we suspect Piranha is FASA’s licensee for the design of BattleTech images. If we are mistaken in that regard, we hereby request that you correct our understanding and explain the legal nature of the relationship between the two companies. Regardless of the exact nature of the relationship, both FASA and Mr. Weisman personally are bound by the terms of the Settlement, and they are unable at law to convey to a licensee any rights that are denied to them in the Settlement.

This matter can still be resolved amicably if both FASA and Piranha will immediately agree to stop all use of the 2016 designs and phase out all further dissemination by the end of calendar year 2016. This must include both direct use and dissemination by you and your companies as well as any and all use and dissemination by any licensees or business partners.

I look forward to hearing from you.

Cordially,

A handwritten signature in blue ink, appearing to read "Brett A. August", with a long horizontal flourish extending to the right.

Brett A. August

BAA/sm
Enclosures

EXHIBIT A

From: Russ Bullock [mailto:russ.bullock@piranhagames.com]
Sent: Thursday, July 21, 2016 6:24 PM
To: Brett A. August
Subject: RE: New Infringements of Macross/Robotech

Hi Brett,

Happy to answer these questions for you.

For the most clarity I think it is best to start with the Catalyst relationship. Catalyst does not have the legal right to use Piranha's original artwork created by our artists in any way. The only business relationship we have is a small monthly agreement for Randal Bills to write some fan fiction for us. So when we release a mech he helps us determine a name and pilot and perhaps a theme. This ensures it fits within the rich lore of BattleTech as well as possible. He then will sometimes write a few paragraphs of fan fiction and we have allowed him to share these blurbs on the catalyst site. To summarize, there is no relationship between Piranha and Catalyst. They only assist with lore consulting and they do not have the legal right to use our original art work created for MechWarrior Online in any way and to date they have not included any of it in their official publications to our knowledge.

As to the BattleMech's in question – we developed those as completely original works.

Of course it would not be a surprise to find that both our Warhammer and the Destroid Tomahawk would come up in the same search because as you know back in the 80's BattleTech actually had a legal agreement to use the Destroid Tomahawk artwork and from that point on the BattleTech owned mech name "Warhammer" and Destroid Tomahawk are forever linked even though we now have created new original artwork to represent the Warhammer in the BattleTech universe.

From my view the only reason this is a topic is because the original BattleTech owned names such as Warhammer, Rifleman, Marauder and so on are forever linked to their original artwork which was derived on Robotech Macross otherwise it would never garner attention. The only reason there is any similarity is because our artists use what are long time BATTLETECH descriptions or "loadouts". This loadout states the types, amounts and locations of their weapons, as well other descriptors to describe it's role on the battlefield. In short their BATTLETECH load out dictates the art direction. In summary we generate original artwork and that historical connection cannot prevent us from creating all new original artwork for those BattleTech owned names and load out descriptions.

At Piranha we make no claim to any use or legal right to the Robotech Macross designs that are owned by Harmony Gold.

I hope this alleviates your concerns.

Russ

From: Brett A. August [mailto:BAA@pattishall.com]
Sent: Wednesday, July 20, 2016 4:14 PM
To: Russ Bullock <russ.bullock@piranhagames.com>
Subject: New Infringements of Macross/Robotech

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Dear Russ,

You may recall that our firm represents Harmony Gold in conflicts involving their intellectual property. You and I have corresponded in the past regarding the unlicensed use by Piranha and its licensees/licensors of images from the Macross/Robotech series. Those images are copyrighted, and use of them - or works derived from them - is an infringement that subjects the infringer(s) to statutory damages of as much as \$150,000 per infringed work and an award of Harmony Gold's attorneys' fees, if it is forced to file a lawsuit to end the infringement.

In April of 2013 you submitted a proposed mech design, to learn if Harmony Gold found it infringed the Macross/Robotech designs. Here is what I wrote you then:

The people at HG find the "new" design is very derivative of the MACROSS/ROBOTECH designs. Please bear in mind that under U.S. copyright laws the owner of a copyright has the exclusive right to produce derivative works. It is difficult to believe that your designers would have / could have come up with their proposed design if they had never seen the MACROSS/ROBOTECH designs. While there are indeed some differences between their proposed design and the earlier ones, those differences pale in comparison to the similarities. For that reason, the new work is derivative, and its publication would be an infringement of the copyright Harmony Gold owns in the design.

It recently came to our attention that Piranha - or Catalyst, whom we believe is your licensee or business partner - decided to adopt new infringing designs without asking Harmony Gold for their opinion or permission.

Specifically, we found an updated version of your Warhammer design (derived from the Destroid Tomahawk in Robotech/Macross) which has been advertised this year as "Return of an Icon." See, for example, the following: <http://catalystgamelabs.tumblr.com/post/133477171811/mwo-warhammer-blueprint-and-lore-story-of-the>, <https://mwomercs.com/warhammer>. Although it is published by Catalyst, your fingerprints are all over it, such as in the following acknowledgement: "It's been an absolute blast working withy [sic] Matt Newman, Russ Bullock (and of course their whole great team) generating these lore vignettes." So regardless of the legal relationship between Piranha and Catalyst, it would be hard for you to argue the infringement took place without your knowledge, participation and approval.

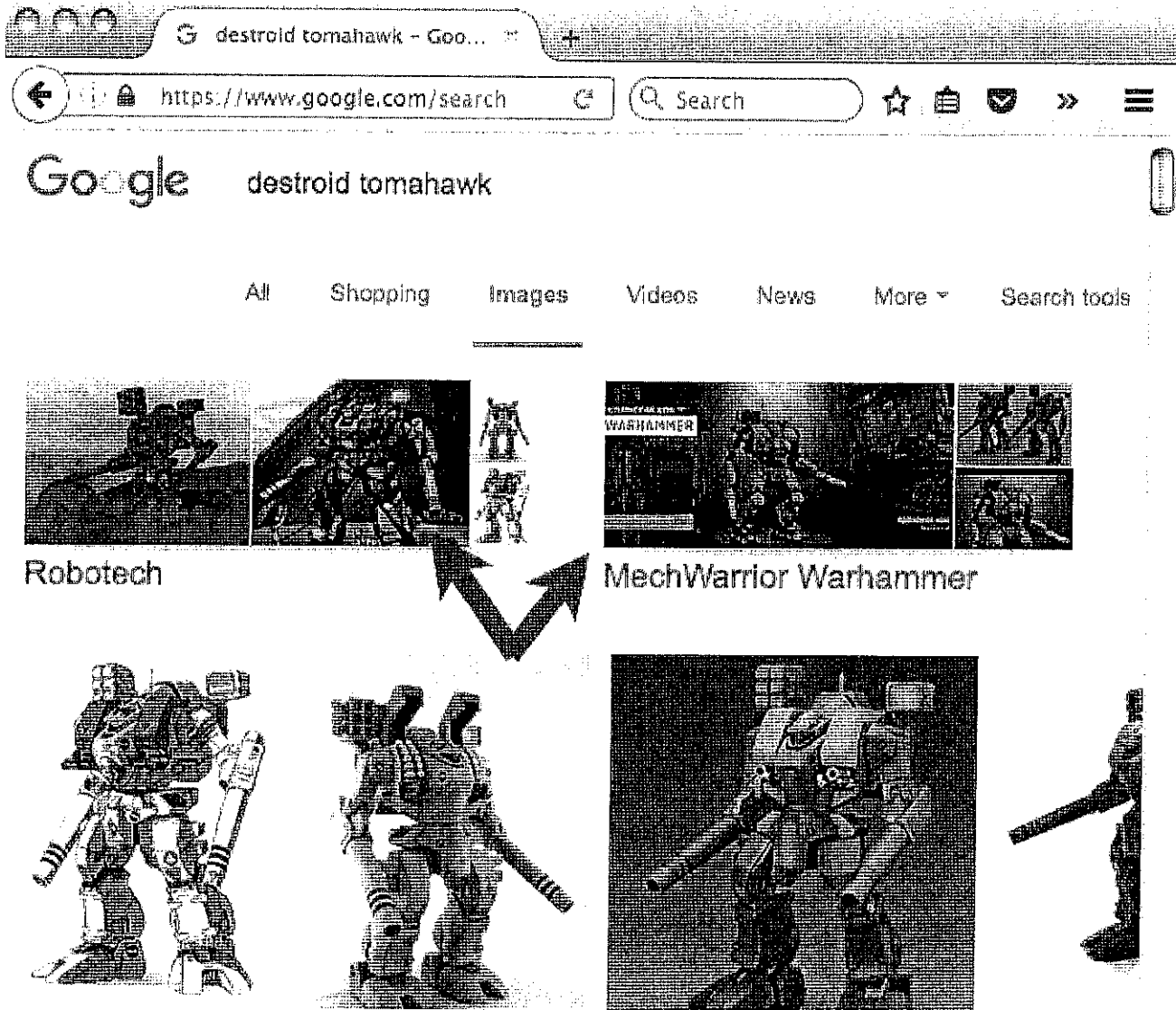
The new designs have been reviewed by personnel at Harmony Gold, who found them to infringe the Macross/Robotech designs. And that determination enjoys independent support: when you do a Google image search for "Destroid Tomahawk," the "MechWarrior Warhammer" is so close to it that it also turns up in the search results: <https://www.google.com/search?q=destroid+tomahawk&tbm=isch>

You may recall one of the designs about which we have complained to you was the "WarHammer" design, which was heavily based on the Destroid Tomahawk from Robotech Macross. We now see that Piranha has started using a restyled version of that design (this time in gray) in your game, and you are

advertising it as "Return of an Icon" for sale at \$20 to \$40 digital downloads (see link). <https://mwomercs.com/warhammer>

Furthermore, Catalyst Game Labs is getting in on the action, apparently with your assistance and approval:
<http://catalystgamelabs.tumblr.com/post/133477171811/mwo-warhammer-blueprint-and-lore-story-of-the>

In an image search for Destroid Tomahawk, the Robotech version and MechWarrior knock-off come up side-by-side:
<https://www.google.com/search?q=destroid+tomahawk&tbm=isch>



In addition to the infringements noted above, we have the following concerns:

Your "MechWarrior Archer" is clearly derived from Robotech's Destroid Spartan: compare <https://mwomercs.com/archer> with <http://bishopsteiner.deviantart.com/art/MWO-Archer-repainted->

as-Destroid-Spartan-594851926.

Your "MechWarrior Rifleman" is clearly derived from Robotech's Destroid Defender: see <https://mwomercs.com/rifleman>

Your "MechWarrior Marauder" is derived from Robotech's Glaug Battlepod: <https://mwomercs.com/marauder>

Your "MechWarrior Phoenix Hawk" is derived from a Veritech from Robotech: <https://mwomercs.com/phoenix-hawk>

Since it seems Piranha is no longer interested in complying with our earlier agreement – or the federal copyright law – legal action may be required. Before we file any papers, we would like to give you the opportunity to explain your actions, including the current relationship between Piranha and Catalyst. **Please understand that these are very serious allegations of wrongdoing, and they merit your close and immediate attention.**

Cordially yours, Brett



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